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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,970	04/24/2001	Saul Kato	IBOB-001/01US	6200

7590

09/13/2004

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/841,970

Applicant(s)

KATO, SAUL

Examiner

Baoquoc N To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1, 6 and 9 are amended in the amendment filed on 06/10/2004 and claims 1-13 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 6 and 9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan (US. Patent No. 6,772,169 B2).

Regarding on claims 1 and 9, Kaplan teaches computer-readable medium to direct a portable computing device to function in a specified manner, the computer-readable medium comprising:

A first set of instructions to receive broadcast information including a data repository and formatting information (the wireless device initializing the connection with the application server for user to request the database records with predetermined display format screen) (col. 13, lines 45-50);

A second set of instructions to facilitate creation of a search query (querying data records from a database) (col. 18, line 24);

A third set of instructions to retrieve a search result from said data repository based upon said search query (anticipating a number of the data records to be retrieved from the database) (col. 18, lines 25-26); and

A fourth set of instructions to direct said portable computing device to transform said search result in accordance with said formatting information to produce formatted content (displaying including alteration certain respective data records fro display at respective locations on the displays screen of the wireless device based on respective size of the information represented by the respective portions and respective sizes of the respective portions) (col. 18, lines 35-41).

Regarding on claims 2 and 10, Kaplan teaches a fifth set of instruction to download said broadcast information to said portable computing device from a wireless

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source (the wireless device download the data from the application server wherein the application server stored the retrieved data) (col. 13, lines 21-26).

Regarding on claims 3 and 11, Kaplan teaches second set of instruction includes: a sixth set of instruction to generate said search query based on upon a user input (retrieving the data records from the database) (col. 18, line 27).

Regarding on claims 4 and 12, Kaplan teaches the broadcast information further includes a plurality of search queries, and wherein said second set of instruction includes: a seventh set of instructions to select said search query from said plurality of search queries based upon a user input.

Regarding on claims 5 and 13, Kaplan teaches an eight set of instruction to display said formatted content (displayed the altering content) (col. 18, lines 33-41).

Regarding on claim 6, Kaplan teaches a computer-readable medium to direct a portable computing device to function in a specified manner, the computer-readable medium comprising:

A remote application server configured to process information received from a wireless source (server 12 receives request information from the user) (fig. 1), wherein said information include a logic portion, a data repository (a database), a formatting information (since the system of the invention preferably knows the size of screen of the wireless device, the system 34, for example, whether the information needs to be broken down into several different screens of if the information may be displayed on just a single screen) (col. 13, lines 46-51), and wherein said remote application server (a web or application server 14) (col. 13, lines 23-24) includes:

A query generator module configured to produce a search query in accordance with a user input and in accordance with said logic portion (server receives user input as query for searching result) (col. 18, line 27);

A data repository manager module configured to search said data repository in accordance with said search query to retrieve a search result (the web or application server is a data repository manager to format the search query and to retrieve the search) (col. 15, lines 45-51); and

A content generator module internal to said portable computing device and configured to generate content in accordance with said search result and in accordance with said formatting information (displaying including alteration certain respective data records fro display at respective locations on the displays screen of the wireless device based on respective size of the information represented by the respective portions and respective sizes of the respective portions).

Regarding on claim 7, Kaplan teaches the remote application server includes: a display module configured to display said content (the server also configured hardware and software as the wireless device in order to communicated with the wireless device to transfer and display the results) (col. 13, lines 39-51).

Regarding on claim 8, Kaplan teaches a decoder configured to download said information from said wireless device (the wireless device download the search results from the applicant server wherein the results are stored in a memory 16) (col. 15, lines 45-50).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II

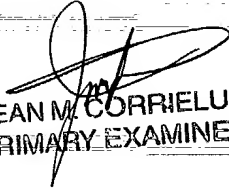
2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

Baoquoc N. To

August 29, 2004

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER